

REMARKS/ARGUMENTS

Claims 1-8 are pending in the present application. Claim 1 has been amended.

Claim Rejections - 35 U.S.C. § 102

Claims 1-2 and 6-8 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,419,578 to Moody (“Moody”).

a. Interview

The Applicants and the Applicants’ representatives appreciate the interview afforded by Examiner Carmen White on Wednesday, April 9, 2003. During that interview, the Applicants discussed the claims and explained the patentable differences between the claims and the cited references.

As discussed with the Examiner, the present invention enables player-activated gaming functions that are normally located on and produced by the gaming machine’s video display (activated by a touch screen overlaying the video screen) to be removed from the video display area and placed on the gaming machine cabinet (e.g., glass artwork panel). The permanent indicia on the gaming cabinet are utilized in combination with a touch screen that overlaps not only the video display, but also the permanent indicia. The indicia on the cabinet can be printed, decaled, painted, embossed, stamped or, in any similar fashion, permanently marked on the gaming cabinet. These indicia may include such gaming functions as “MAX BET,” “PAY TABLE,” “HELP” and “CASH OUT,” which are typically used in most games. The player activates the permanent indicia on the gaming machine cabinet by touching the touch screen in the location of the selected permanent indicia.

By removing these indicia from the video display and placing them on the gaming machine cabinet (i.e., any place other than the video display), more room is made available on the video display for other video content. As games have become more complex, the video display space required to present these games has become more valuable. The additional room made available by removing the video indicia from the video display and putting the indicia physically on the cabinet allows more video game content to be displayed. Otherwise, the game content would have to be reduced, dulling and distracting from the visual display of the game. Alternately, a larger video display would be required, making the game more expensive to manufacture. The larger video display also requires more casino floor space, reducing the number of gaming machines that can be placed on the casino floor.

Examiner White expressed concern that the claims as written may not be sufficiently clear to distinguish the type of indicia that are displayed on the non-video portion of the gaming machine. Examiner White suggested that the claims be revised to include further descriptive information pertaining to the indicia located on the non-video portion of the gaming machine. To that end, it was suggested that the term "permanent" be included in claim 1 to create the term "permanent player-selectable second indicia" as reflected in revised claim 1. As claims 2-8 are all dependent on claim 1, the term "permanent" is carried through all the remaining claims. The Applicants wish to make clear that the term "permanent" only reflects that the indicia are not intended to be altered, removed, or otherwise changed by the gaming machine or the player during normal operation thereof, as opposed to changes to the indicia resulting from defacement, destruction, or disassembly of the machine.

It is the Applicants' understanding that the revised claim overcomes the 35 U.S.C. § 102 rejection as it pertains to the references cited in the Office Action.

Claim Rejections – 35 USC 103

It is the Applicants' understanding from the interview that a further search will be made to reassess the 35 U.S.C. § 103 rejection in view of the revised claims. The Applicants respectfully submit that the prior art of record, including Moody, provides no teaching or suggestion of the invention as now claimed.

Conclusion

It is the Applicants' belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,



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